

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

Case No. \_\_\_\_\_  
Amended

**NOTICE OF HEARING ON MOTION  
FOR RELIEF FROM DEBTOR'S  
AUTOMATIC STAY IN A CHAPTER 7/13  
CASE, AND/OR CODEBTOR'S STAY IN  
A CHAPTER 13 CASE**

Debtor(s)

The attached objection, filed by completing the "objection" portions of the original motion, filed for the respondent, \_\_\_\_\_, who is the (for example, debtor, codebtor, or trustee) \_\_\_\_\_, is in response to the motion for relief from stay filed on behalf of movant \_\_\_\_\_.

The name and service address of the respondent's attorney (or respondent, if no attorney) are: \_\_\_\_\_.

(If debtor is respondent) The debtor's address and Taxpayer ID#(s) (last 4 digits) are: \_\_\_\_\_.

**NOTICE IS GIVEN that:**

A **Telephone Hearing** on the motion, at which no testimony will be taken, will be held as follows:

**Date:**

**Time:**

**Call In Number:** (888) 684-8852

**Access Code:** 3702597

(Note: If you have problems connecting, call the court at (503) 326-1500 or (541) 431-4000.)

**TELEPHONE HEARING REQUIREMENTS**

1. You must call in and connect to the telephone hearing line or personally appear in the judge's courtroom no later than your scheduled hearing time. The court will not call you.

2. You may be asked to call again from another phone if your connection is weak or creates static or disruptive noise.
3. Please mute your phone when you are not speaking. If you do not have a mute function on your phone, press \*6 to mute and \*6 again to unmute if you need to speak. Do not put the court on hold if it will result in music or other noise. If available, set the phone to "Do Not Disturb" so it will not ring during the hearing.
4. When it is time for you to speak, take your phone off the "speaker" option or headset to minimize background noise and improve sound quality. Position the telephone to minimize paper rustling. Do not use a keyboard or talk with others in the room. Be aware that telephone hearings may be amplified throughout the courtroom.
5. Do not announce your presence until the court calls your case. Simply stay on the line, even if there is only silence, until the judge starts the hearings, and then continue to listen quietly until your case is called.
6. Whenever speaking, first identify yourself.
7. Be on time. The judge may handle late calls the same as a late appearance in the courtroom.

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Signature

I certify that: (1) the objection was prepared on a copy of the original motion; (2) if the objection was electronically filed, it was prepared using the fillable PDF version of the motion unless the motion was filed on paper and could not be otherwise electronically obtained from the movant; and (3) that on \_\_\_\_\_ this notice and the objection were served on the movant's attorney (or movant, if no attorney) at the address shown in the notice of motion.

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Signature

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Relation to Respondent

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

Case No. \_\_\_\_\_  
Amended

**(Check all applicable boxes)**  
**CHAPTER 7/13 MOTION FOR RELIEF FROM**  
**Debtor Chapter 13 Codebtor Stay**  
**Filed by Movant:**

Debtor(s)

\_\_\_\_\_  
**Objection to Stay Motion filed by Respondent:**  
\_\_\_\_\_

*Instructions to movant: You must file this motion with a notice of motion on [Local Bankruptcy Form \(LBF\) 720](#). See [LBF 720.50](#), Procedures re: Motions for Relief from Stay, for more information.*

**1. Debt, Default, Other Encumbrances, Description and Value of Collateral** *(To be completed by movant)*

- a. Description of collateral (e.g., car model, year, and VIN, or property address):
- b. Amount of debt: \$ \_\_\_\_\_, consisting of principal of \$ \_\_\_\_\_, interest of \$ \_\_\_\_\_, and other:
- c. Description, amount, and priority of other encumbrances on collateral. If not known, include applicable information from debtor's schedules if available on PACER:

Total debt secured by collateral (1.b. + 1.c.): \$ \_\_\_\_\_.

- d. Value of collateral: \$ \_\_\_\_\_.  
Equity in collateral: \$ \_\_\_\_\_, after deducting \$ \_\_\_\_\_ of liquidation costs.

- e. Current monthly payment: \$ \_\_\_\_\_.

- f. If Chapter 13:

(1) \$ \_\_\_\_\_ postpetition default consisting of (e.g., \$ \_\_\_\_\_ payments,  
\$ \_\_\_\_\_ late charges, \$ \_\_\_\_\_ fees):

(2) \$\_\_\_\_\_ prepetition default consisting of \_\_\_\_\_ amounts specified in proof of claim, or, \_\_\_\_\_ consisting of:

g. If Chapter 7, total amount of default: \$\_\_\_\_\_.

**OBJECTION** (Identify specific items disputed and specify what you contend are the pertinent facts, including why there is a postpetition default, if applicable) (to be completed by respondent):

**2. Relief from Stay Should be Granted Because:** (Check all that apply) (to be completed by movant)

Lack of adequate protection because of failure to make sufficient adequate protection payments and lack of a sufficient equity cushion.

Lack of insurance on collateral.

No equity in the collateral and the property is not necessary for an effective reorganization.

Failure of debtor to make Chapter 13 plan payments to the trustee.

Failure of debtor to make direct payments required by Chapter 13 plan.

Other (describe):

**OBJECTION** (Specify why relief from stay should be denied. If respondent proposes to cure a postpetition default, detail the cure by attaching a proposed order using [LBF 720.90](#) available at <https://www.orb.uscourts.gov> under Forms/Local Forms) (to be completed by respondent):

**3. Background** (To be completed by movant)

- a. Date petition filed: \_\_\_\_\_ Current Chapter: \_\_\_\_\_ (7 or 13)  
If 13, current plan date \_\_\_\_\_ Confirmed: Yes No  
If 13, treatment of movant's prepetition claim(s) in plan:

If 7, debtor \_\_\_\_\_ has \_\_\_\_\_ has not stated on LBF 521.05 or OF B108 that debtor intends to surrender the collateral.

- b. Movant has a lien on the collateral by virtue of (check all applicable sections, and also see

paragraph 6 below):

Security agreement, trust deed, or land sale contract dated \_\_\_\_\_ and any assignment of that interest to movant. The security interest was perfected as required by applicable law on \_\_\_\_\_.

Retail installment contract dated \_\_\_\_\_ and any assignment of that interest to movant. The security interest was perfected on the certificate of title on \_\_\_\_\_.

Other (describe):

**OBJECTION** (Identify any disputed items and specify the pertinent facts) (to be completed by respondent):

**4. Request for Relief from Codebtor Stay (Chapter 13 only)**

- a. \_\_\_\_\_, whose address is \_\_\_\_\_, is a codebtor on the obligation described above, but is not a debtor in this bankruptcy.
- b. Movant should be granted relief from the codebtor stay because (*check all that apply*):  
codebtor received the consideration for the claim held by movant    debtor's plan does not propose to pay movant's claim in full    movant's interest would be irreparably harmed by continuation of the codebtor stay as a result of the default(s) described above    because:

**OBJECTION** (Identify any disputed items and specify the pertinent facts) (to be completed by respondent):

**5. Other Pertinent Information (To be completed by movant, if applicable):**

**OBJECTION** (Identify any disputed items and specify the pertinent facts) (to be completed by respondent):

**6. Relief Requested** (*Check all applicable sections*) (*To be completed by movant*):

Movant requests relief from the automatic stay to allow it to foreclose its lien on the collateral and to take any necessary action to obtain possession of the collateral.

Movant has a security interest in real property and requests relief from stay of an act against the collateral and that the relief be binding in any other bankruptcy case purporting to affect the collateral filed not later than 2 years after the date of the entry of an order granting this motion. (*If you check this box, you must complete paragraph 5 above to support this request. If you do not do so, the Court will not grant relief binding in any other bankruptcy case.*)

Movant requests that the 14-day stay provided by FRBP 4001(a)(3) be waived based on the following cause:

Other (describe and explain cause):

**OBJECTION** (*Identify any disputed items and specify the pertinent facts. If respondent agrees to some relief, attach a proposed order using [LBF 720.90](#) available at <https://www.orb.uscourts.gov> under Forms/Local Forms*) (*to be completed by respondent*):

**7. Documents:**

**If movant claims to be secured in paragraph 3.b. above**, movant has attached to and filed with this motion a copy of the documents creating and perfecting the security interest, if not previously attached to a proof of claim.

**If this case is a chapter 13 case and the collateral is real property**, movant has attached to and filed with this motion a postpetition payment history current to a date not more than 30 days before this motion is filed, showing for each payment the amount due, the date the payment was received, the amount of the payment, and how movant applied the payment.

**RESPONDENT requests movant provide** respondent with the following document(s), if any are marked below, which are pertinent to this objection:

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Postpetition payment history, if not required above.

Documents establishing that movant owns the debt described in paragraph 1 or is otherwise a proper party to bring this motion.

Other document(s) (specific description):

Movant/Attorney

Respondent /Attorney (by signing, the respondent also certifies that the respondent has not altered the information completed by movant)

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

Phone #: \_\_\_\_\_

Phone #: \_\_\_\_\_

OSB#: \_\_\_\_\_

OSB#: \_\_\_\_\_

*You are hereby notified that the creditor is attempting to collect a debt and any information obtained will be used for that purpose.*